

CAFO Permit

Our goal in the development of this permit is to develop a good general permit that can withstand legal challenge and protect the state's waters along with the businesses covered under the permit. The state is required to protect surface and ground water. In developing this latest permit we have spent time looking at the federal requirements and developing a monitoring program that protects the states waters.

MONITORING

Are there ground water limits in the permit?

No, there are no ground water limits identified in the permit.

Is ground water monitoring required in the permit?

No, there is no automatic requirement to monitor ground water. There is language that states ground water monitoring or other compliance actions are required when a facility is showing it has potential to pollute waters of the state.

Who has to do ground water monitoring?

Ground water monitoring is not required in the permit unless the regulatory agency requires it as part of a compliance action.

What kind of monitoring is required?

Soil monitoring over a five year period to determine if there is a potential to impact ground water or surface water is required for Large CAFOs.

What happens after five years?

If the soil testing shows that nutrient levels exceed 45ppm N (Nitrate, Nitrite & Ammonium) in more than 3 of 5 consecutive years and the levels are not decreasing, the facility will enter into compliance action. This compliance action could require surface water monitoring, ground water monitoring, change of operations or other actions that seem necessary to protect state waters.

Is this a phased approach?

Yes, the permit requires soil monitoring for large CAFOs annually. Only after a five year period where there have been 3 years of soil monitoring showing high nutrient levels which are not decreasing will compliance actions or ground water monitoring be required.

BEST MANAGEMENT PRACTICES

Does the permit require the use of NRCS Field Office Technical Guideline?

The permit requires the nutrient management plan to conform to the U.S. NRCS Field Office Technical Guidelines or equivalent best management practices.

What is an equivalent best management practice?

It means an operational, source control, treatment or innovative practice which results in equal or better protection of waters of the state.